

RAHUSHUN ROBERSON	§	
v.	§	CIVIL ACTION NO. 6:13-CV-244
COMMISSIONER, SOCIAL SECURITY ADMINISTRATION	§	

The Report and Recommendation of the Magistrate Judge, which contains her findings, conclusions, and recommendation for the disposition of this action, has been presented for consideration. The Report and Recommendation recommends that the decision of the Commissioner be affirmed and the complaint be dismissed. Plaintiff has filed a written objection.

Having made a *de novo* review of the objections filed by Plaintiff, the Court finds that the findings, conclusions and recommendation of the Magistrate Judge are correct. Plaintiff contends in his objection that the ALJ and the Report of the Magistrate Judge incorrectly determined there was no error in the assessment of Plaintiff's credibility. The Magistrate Judge's Report fully addresses this issue.

As the Magistrate Judge pointed out, the ALJ did not entirely reject Plaintiff's allegations. SSR 96-7p, 1996 WL 374186, at \*4 (the adjudicator need not totally accept or totally reject the claimant's statements). The ALJ incorporated Plaintiff's testimony regarding back and neck pain to the extent he found Plaintiff limited to a reduced range of light work. Therefore, despite Plaintiff's contention otherwise, the ALJ considered Plaintiff's testimony and used it to establish Plaintiff's residual functional capacity. The ALJ did not, however, credit Plaintiff's claims of total disability due to pain. *See* Tr. 13-14, 29-31. Considering Plaintiff's subjective reports together with

the medical findings from the adjudicated period, the Magistrate Judge properly found that the ALJ correctly determined that Plaintiff's statements concerning the intensity, persistence, and limiting effects of his symptoms were not entirely credible. *See* Tr. at 14.

Therefore, Plaintiff's objection is without merit and will be overruled. There is substantial evidence in the record supporting the Commissioner's decision. The findings and conclusions of the Magistrate Judge are therefore adopted as those of the Court.

In light of the foregoing, it is

**ORDERED** that Plaintiff's objections are hereby **OVERRULED**. It is further

**ORDERED** that the decision of the Commissioner is **AFFIRMED** and the complaint is hereby **DISMISSED WITH PREJUDICE**. It is further

**ORDERED** that any motion not previously ruled on is **DENIED**.

**So ORDERED and SIGNED this 26th day of September, 2014.**

A handwritten signature in black ink, appearing to read 'Leonard Davis', is written over a horizontal line.

LEONARD DAVIS  
UNITED STATES DISTRICT JUDGE